

# Board of Adjustment STAFF REPORT



**SUBJECT:** Case No.: V2024-024

Applicant Court Cole, representing Pendleton Enterprises, LLC., is requesting a variance from Section Sec.154.12-37 – Variance from Sign Regulations for property located at 270 W College, Parcel R29216, being BLOCK 8; LOT F2H of the City Addition of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment – November 14, 2024

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## BACKGROUND:

The requested variance from the sign ordinance is to place an additional sign on the property at the Southeastern Corner of the building adjacent to the City alley. The sign will protrude into the City Right-of-Way, extending 40” from the building. The height at the bottom of the sign will be 14’. Per the sign company, Waste Connections has indicated this will allow clearance for safe passage.

Image provided:



Sec. 154.12. Sign regulations.

## 12-37 Projection sign.

- (a) *Location.*
  - (1) Signs must be premises signs.
  - (2) Sign shall be attached to the building and extending in whole or part between 12 inches and four feet beyond the exterior surface of the building but not protruding into the ROW or another property.

## Section 12-12 Variances

- (a) Variance authorized. The Board of Adjustment (BOA) may authorize a variance to any restriction set forth in this chapter, including, but not limited to, the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (b) Approval standards. In granting any variance, BOA shall consider the following criteria and shall grant the variance only if:
  - (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and
  - (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
  - (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
  - (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
  - (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
  - (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.
  - (7) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

## ALTERNATIVES:

1. Approve the Variance Request.
2. Deny the Variance Request.